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PART IV-A

**Rules and Orders (Other than those published in Parts I, I-A, and I-L) made
by the Government of Gujarat under the Central Acts**

LEGAL DEPARTMENT

NOTIFICATION

Sachivalaya, Gandhinagar, 8th August, 2023

FAMILY COURTS ACT, 1984.

No. GK/18/2023/HCT/1984/4106/D-Part-II. In exercise of the powers conferred by Section 23 of the Family Courts Act, 1984 (66 of 1984) and after consultation with the High Court of Gujarat, the Government of Gujarat hereby makes the following rules, namely: -

- (1) **Short title & commencement:-** (1) These rules may be called the Gujarat Family Court (Amendment) Rules, 2023.
(2) They shall come into force with effect from the date of publication in the *Official Gazette*.

Rule-2 of the Gujarat Family Courts Rules, 2001 is hereby substituted as under:

2. Definitions:- In these rules, unless the context otherwise requires: -

- (a) "Act" means the Family Courts Act, 1984 (No. 66 of 1984);
(b) 'Section; means the section of the Act;
(c) All other words and expressions not defined in these rules shall have the same meanings as assigned to them in the Act.

Rule-3 of the Gujarat Family Courts Rules, 2001 is hereby substituted as under:

3. Salary, allowance and other terms and conditions of service of Judges appointed under Section 4:-

- (1) The Judge of the Family Court shall be under the administrative and disciplinary control of the High Court.
(2) A Judge of a Family Court shall be entitled to pay and allowances including travel allowance, dearness allowance and all other allowances, as admissible to a District Judge.
(3) The other terms and conditions of service of the Principal Judge and the other Judges shall be the same as are applicable respectively, to the Principal District Judge and other Additional District Judges of the District.

Rule-4 of the Gujarat Family Courts Rules, 2001 is hereby substituted as under:**4. Appointment of Counsellors: -**

- (1) (a) Every year in the month of January, the Principal Judge and District Collector shall prepare a panel consisting of minimum five names for appointment of each counsellor referred to in Section 5 of the Act for the association with the Family Court and submit the same to the High Court, for the purpose of appointment as Principal Counsellor and Counsellors.

Provided that if the family Court is established in the middle of any year such a list shall be submitted within one month from the date of establishment of the Court.

- (b) The list so approved shall be valid for three years.
- (2) The Association of such persons with the Family Court shall be for the purpose of promoting conciliation in, and securing speedy settlement of disputes relating to marriage and family affairs and matters connected therewith.
- (3) The persons so associated with the family court shall not act or plead for a party to a case or proceeding.

Rule-5 of the Gujarat Family Courts Rules, 2001 is hereby substituted as under:**5. Counselling Centre. –**

- (a) There shall be attached to the Family Court in each city a counselling center to be known as the Family Court Counselling Centre.
- (b) The Counselling Centre shall be located in the Family Court Premises or at such other place as the High Court may direct.

After rule-5 of the Gujarat Family Courts Rules, 2001 following rules are hereby inserted:**5. (A) Number of Counsellors. –**

- (a) The number and categories of Counsellors in each Counselling Centre shall be such as may be determined by the Government in consultation with the High Court, from time to time.
- (b) Where more than one Counsellors are appointed in Counselling Centre, one of them may be designated as Principal Counsellor by the High Court.

5. (B) Qualification for Counsellor. –

- (1) Any person having a degree of a recognized University preferably with Social Science or psychology as one of the subjects, and minimum experience of two years in social work, child psychiatry or family counselling, and having impeccable integrity, shall be eligible for appointment as a counsellor :

Provided that the minimum academic qualifications may be relaxed in exceptional circumstances:

Provided further that preference may be given to women having the requisite qualification:

Provided also that no person shall be eligible for appointment to the post of Counsellor unless he has attained the age of 35 years and is below 65 years of age.

- (2) A candidate who-
- (a) has been a Judge; or
- (b) has experience of Counselling in family matters shall, other things being equal, be given preference in the matter of appointment.

Rule-6 of the Gujarat Family Courts Rules, 2001 is hereby substituted as under:

- (6) **Termination of Counsellor. -** The appointment of a Counsellor may be terminated on recommendation of the High Court, without assigning any reason, at any time before the expiry of his/her term on the recommendation of the Principal Judge.

After rule-6 of the Gujarat Family Courts Rules, 2001 following rules are hereby inserted:

6 (A) Payment of Honorarium/fee to Counsellors. –

- (1) The Honorarium or fee admissible to persons appointed as counsellors shall be such as may be determined and notified by the State Government from time to time.
- (2) The fees shall be revised every two years by the High Court in consultation with the State Government.

6 (B) Association of Social Welfare agencies. –

- (1) Every Principal Judge of the Family Court shall for the association with it, in consultation with the High Court and State Government maintain in respect of its area a register or registers and record therein the name of:-
 - (a) Institutions and organizations engaged in Social Welfare in family matrimonial and allied matters and the representatives thereof.
 - (b) Persons professionally engaged in promoting the welfare of families.
 - (c) Persons working in the field of social welfare; and
 - (d) Any other person whose association with the Family Court would enable to exercise its jurisdiction more effectively in accordance with the purposes of the Act.
- (2) Subject of sub-rule (1), the Principal Judge of the Family Court may record such names after obtaining the written consent of the institution, organization, or person, as the case may be, on its own motion, or on its/his application.
- (3) The list prepared under Sub-section (1) shall be valid for a period of three years.

Rule-7 of the Gujarat Family Courts Rules, 2001 is hereby substituted as under:

7. Fees and expenses payable to medical and other persons referred to in Section 12.

- (1) Where in the opinion of the Family Court, the assistance of an expert or other person referred to in Section 12 of the Act is necessary, but the party seeking such assistance does not have means to pay his fees and traveling and other expenses, it may, suo motu or on application of the party, direct the payment of such fees and expenses, as may be prescribed by Notification issued by the State Government.

Rule-8 of the Gujarat Family Courts Rules, 2001 is hereby substituted as under:

8. Fees and expenses to Amicus Curiae. –

- (1) The Amicus Curiae, engaged under proviso to Section 13 of the Act, shall be paid a fee at the same rate as prescribed for Civil Suit of Ordinary and Special Jurisdiction, under Government Resolution No. LAC/1098/2177/D, dated 14-03-2017.

By Order and in the name of the Governor of Gujarat,

R. D. MAHETA,
Deputy Secretary to Government.

